

REMARKS / ARGUMENTS

Claims ____ and ____ remain pending in this application. Claims ____ have been canceled without prejudice or disclaimer. New claims ____ have been added.

Priority

Applicants request that the Examiner acknowledge the claim for priority. The priority documents (JP 2000-050034, filed February 25, 2000 and JP 2000-054955, filed February 29, 2000) were filed in the parent application Serial No. 09/789,624. The priority document is referred to in the declaration filed with the divisional application on October 9, 2003.

Verified English translations of JP 2000-050034 and JP 2000-054955 are enclosed.

Information Disclosure Statement

The reference cited in the Information Disclosure Statement filed on October 9, 2003 was not acknowledged by the Examiner in the Office Action mailed May 23, 2007. Since the document cited therein was filed in the parent application (U.S. Serial No. 09/789,625) and is a matter of record, no copy of the document was filed. Accordingly, Applicants request that the Examiner initial and return a copy of the attached PTO-1449 Form to indicate that the document has been considered.

Drawing

Fig. 11 has been amended to correct a typographical error. No new matter has been added.

35 U.S.C. §112

Applicants request reconsideration of the Examiner's rejection under this section. For example, it is submitted that it is not necessary to specifically claim the "analyzer unit" as suggested by the Examiner.

Nevertheless, efforts have been taken to more clearly define the present invention in order to overcome the Examiner's objections. For example, the reaction vessel is more positively recited.

In the event that the Examiner maintains that further changes are necessary, the Examiner is hereby invited to contact the undersigned by telephone in order to resolve such issues and expedite prosecution of this application.

35 U.S.C. §102

Claims 7-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Laugharn, Jr. et al (U.S. Patent No. 6,948,843). Claims 7, 10-11 and 15-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Akira (JP 2000-338113). These rejections are traversed as follows.

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 11. This sheet replaces the original sheet including Fig. 11. In Fig. 11 a typographical error in the box identified as 112 has been corrected. The words "strage" has been replaced by "storage".

Attachments: Replacement Sheet

Without admitting to the propriety of the rejections under this section, verified translations of the foreign priority documents corresponding to the present application are being filed to overcome the cited references. In particular, the verified translations of the foreign priority documents are dated February 25, 2000 (JP 2000-50034) and February 29, 2000 (JP 2000-54955).

Laugharn, Jr. et al '843 was filed on March 20, 2001 and claims priority to provisional applications dating back to March 21, 2000. Laugharn, Jr. et al '843 is a continuation-in-part of application PCT/US 99/25274, filed on October 28, 1999 (now U.S. Patent No. 6,719,449, "Laugharn, Jr. et al '449"). Therefore, Laugharn, Jr. et al '843 include subject matter that is not contained in Laugharn, Jr. et al '449.

It is submitted that Laugharn, Jr. et al '449, does not disclose or suggest the presently claimed features of the present invention. For example, the pending claims recite using the liquid level of the specimen and reagent in controlling the irradiation of acoustic waves. The Examiner is directed to Figures 3-8 and their related description in the Specification, for example. This feature is clearly not taught by Laugharn, Jr. et al '449.

Furthermore, the Akira reference was published in Japan on December 8, 2000, which is subsequent to the foreign priority dates of the present application. Therefore, both of these rejections are overcome.

Appl. No. 10/681,212
Amendment dated _____
Reply to Office Action of May 23, 2007

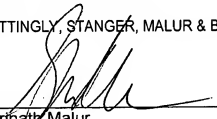
NIP-217-02

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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